

APPEAL NO. 022614  
FILED NOVEMBER 14, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on September 18, 2002. With respect to the issue before her, the hearing officer determined that the appellant's (claimant) compensable injury of \_\_\_\_\_, does not extend to include reflex sympathetic dystrophy (RSD) and an injury to the cervical spine. In an appeal submitted by the claimant's attorney, the attorney argues that the hearing officer's extent-of-injury determination is against the great weight of the evidence. In its response to the claimant's appeal, the respondent (carrier) urges affirmance. The claimant's wife filed a letter that points to the "misinformation and errors" in the hearing officer's decision. That document was mailed on October 21, 2002, and was received by the Texas Workers' Compensation Commission's Chief Clerk of Proceedings on October 24, 2002. The last day to file timely appeal pursuant to Sections 410.202(a) and (d), excluding Saturdays, Sundays, and holidays listed in Section 662.003 of the Texas Government Code, was October 18, 2002. Therefore, the letter from the claimant's wife was not timely filed and will not be further considered.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury of \_\_\_\_\_, did not extend to include RSD and a cervical spine injury. There was conflicting evidence on the issue before the hearing officer. The hearing officer was acting within her province as the fact finder in resolving the conflicts and inconsistencies against the claimant and in determining that the claimant did not sustain his burden of proving that his compensable injury extended to RSD and a cervical spine injury. The hearing officer's determination in that regard is not so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Therefore, no sound basis exists for us to reverse the challenged determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **NATIONAL SURETY CORPORATION** and the name and address of its registered agent for service of process is

**DOROTHY C. LEADERER  
1999 BRYAN STREET  
DALLAS, TEXAS 75201.**

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Veronica Lopez  
Appeals Judge

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Robert W. Potts  
Appeals Judge